

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PADCOM, INC.,

Plaintiff,

v.

NETMOTION WIRELESS, INC.,

Defendant.

C.A. No. 05-889

**DECLARATION OF ROBERT HUNSMERGER IN SUPPORT  
OF DEFENDANT NETMOTION WIRELESS, INC.'S MOTION TO  
DISMISS THE DECLARATORY JUDGMENT COMPLAINT  
OF PADCOM, INC. FOR LACK OF JURISDICTION  
PURSUANT TO FEDERAL RULES OF CIVIL  
PROCEDURE 12(b)1 AND 12(h)(3)**

I, Robert Hunsberger, declare as follows:

1. I am the Chief Executive Officer of Defendant NetMotion Wireless, Inc. I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Prior to Padcom bringing its declaratory judgment action on the '047 patent, NetMotion never mentioned the '047 patent, or the patent application that eventually issued as the '047 patent, to Padcom in any settlement discussions, correspondence, or lawsuits. NetMotion has never threatened anyone with the '047 patent and has never threatened or filed any patent lawsuits against anyone on any NetMotion patent.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed at Seattle, Washington this 6<sup>th</sup> day of January, 2006.



Robert Hunsberger

**CERTIFICATE OF SERVICE**

I hereby certify that on January 6, 2006, I electronically filed the  
**DECLARATION OF ROBERT HUNSMERGER IN SUPPORT OF DEFENDANT**  
**NETMOTION WIRELESS, INC.'S MOTION TO DISMISS THE**  
**DECLARATORY JUDGMENT COMPLAINT OF PADCOM, INC. FOR LACK**  
**OF JURISDICTION PURSUANT TO FEDERAL RULES OF CIVIL**  
**PROCEDURE 12(b)1 AND 12(h)(3)** with the Clerk of Court using CM/ECF which will  
send notification of such filing(s) to the following Delaware counsel. In addition the  
filing will also be sent via hand delivery:

Josy W. Ingersoll  
Young Conaway Stargatt & Taylor, LLP  
The Brandywine Building, 17th Floor  
1000 West Street  
P.O. Box 391  
Wilmington, DE 19899-0391

I hereby certify that on January 6, 2006, I have mailed by Federal Express, the  
document(s) to the following non-registered participants:

Jill M. Browning  
Greenblum & Bernstein, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191-1411

*/s/ William J. Marsden, Jr.*  
\_\_\_\_\_  
William J. Marsden, Jr.